The Planning Inspectorate

# Appeal Decision

Site visit made on 3 December 2019 by Alex O'Doherty LLB(Hons) MSc

**Decision by S M Holden BSc MSc CEng MICE CTPP FCIHT MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24 January 2020**

**Appeal Ref: APP/U3935/Z/19/3230111**
**19-21 Canal Walk, Swindon SN1 1LD**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decision of Swindon Borough Council.
- The application Ref S/ADV/19/0233/CHHO, dated 7 February 2019, was refused by notice dated 16 April 2019.
- The advertisement proposed is the display of a single illuminated sequential display affixed to the frame of the communication hub.

## Decision

1. The appeal is dismissed.

## Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

## Procedural Matter

3. In their decision notice, the Council referred to the potential for the payphone kiosk upon which the proposed advertisement would be displayed to be unlawful, due to serving a 'dual purpose'. However, as planning permission and advertisement consent are separate regimes, this matter is not before me in this appeal, which is concerned solely with advertisement consent.

## Main Issue

4. The main issue is the effect of the proposed advertisement on amenity.

## Reasons for the Recommendation

5. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The Planning Practice Guidance states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features. The appeal site is not within, or adjacent to, a Conservation Area.

6. Canal Walk is a busy pedestrianised area consisting of a wide footway with several areas of pedestrian seating. On either side of the street are retail and food and

drink units, each with colourful modern shop front-level signage, although whilst illuminated signage is present on this street, it is not a significant feature in the street scene.

7. The proposed advertisement would be affixed to an existing payphone kiosk and would appear to be an integral part of it. '6-sheet' panels are common in some retail locations, but I did not observe any illuminated advertisements of a similar scale within close proximity of the appeal site. Considering the existing items of street furniture, which are mostly smaller in scale, the proposal would appear overly-large in its context. The proposal, due to its size and illumination, would be over-dominant in the street scene, particularly at night. Additionally, the automatic changing of the displayed image would contrast with other nearby advertisements, further undermining the character of the area.

8. An existing non-illuminated '6-sheet' advertisement is already present on the kiosk, but this does not offer a desirable precedent. A condition could be imposed, setting a maximum luminance level, but this would not sufficiently mitigate the harm caused to amenity.

9. Accordingly, the proposal would have an unacceptable effect on amenity. Material to my findings are Policy DE1 of the Swindon Borough Local Plan 2026 (adopted 26 March 2015) ('Local Plan') which seeks to achieve the objectives of sustainable development through high quality design and place-making principles, and Policy SC1 of the Local Plan, which aims to secure an improved public realm, which the proposal conflicts with. The proposal also conflicts with Policy CAAP3 of the Swindon Central Area Action Plan (adopted February 2009), which seeks to facilitate the delivery of new and improved spaces in Central Swindon. The National Planning Policy Framework states that the quality and character of places can suffer when advertisements are poorly sited and designed, and the proposal conflicts with this requirement.

**Other Matters**

10. It is not disputed that the proposal would have a limited impact on any residential occupiers within the area, and that advertising contributes to economic growth and vitality, but these considerations do not outweigh the harm caused to amenity.

**Conclusion and Recommendation**

11. Based on the above, and having regard to all matters raised, I recommend that the appeal should be dismissed.

*Alex O'Doherty*

APPEAL PLANNING OFFICER

**Inspector's Decision**

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*S M Holden*

INSPECTOR